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means for obtaining the message code from the electric signal and delivering the obtained code to the means for transmitting over the phone line to a predetermined destination.

REMARKS

Present Status of Patent Application

The Office Action rejected claims 33, 46, 55, 72, and 73 under 35 U.S.C. §102(b) as being anticipated by U.S. Patent 5,343,493, to Karimullah. The Office Action also rejected claims 33, 46, 55, 72, and 73 under 35 U.S.C. §102(b) as being anticipated by U.S. Patent 4,825,457, to Lebowitz. The Office Action rejected claims 34-45, 47-54, and 56-71 under 35 U.S.C. §103(a) as being unpatentably over Lebowitz, in view of U.S. Patent 6,067,030, to Burnett.

In reviewing the claims of this application, the undersigned noted several typographical errors, and has corrected those by the amendments made herein. However, no substantive changes have been made to the claims, and the amendments were not made for purposes of defining over the cited references or otherwise for purposes of patentability. Nor has any new matter has been introduced to the application by virtue of the amendments made herein.

For the reasons set forth herein, Applicant respectfully requests reconsideration and withdrawal of these rejections.

Summary of Present Application

The present application is generally directed to a system for communicating information to a predetermined location. In accordance with one aspect of the invention, the system includes a transmitter disposed at a first location and configured to transmit a signal containing an instruction code to a transceiver. The instruction code uniquely identifies an instruction to be carried out.

Preferably, the transmitter transmits a relatively low-power radio-frequency electromagnetic signal. The system further includes a transceiver disposed remotely from the transmitter (but within range of the transmitted signal) and is configured to receive the transmitted signal. The transceiver circuit includes a line interface circuit configured to interface with a telephone line that is part of the public-switched telephone network (PSTN) and initiate a phone call over the telephone line. In this regard, the transceiver further includes a controller configured to control both the reception of the transmitted signal and to control the communication of information over the telephone line. Finally, the system includes a central station remotely located from said transceiver but being in communication with said transceiver via the PSTN. The central station further includes a decoder configured to decode the instruction code.

As will be appreciated, the system summarized above provides an extremely robust and flexible platform for providing general purpose communications to a central location. In this regard, the term “general purpose” may also be referred to as an “open ended” platform that may be readily adapted for a wide variety of uses. The instruction code is a relatively small data value that may be decoded to define a wide variety of functions. For example, an instruction code a single byte (eight bits) in size may define up to two hundred fifty six different functions or instructions. Similarly, an instruction code two bytes in size may define over sixty-five thousand (2^{16}) functions or instructions.

In operation, the transmitter transmits the instruction code, perhaps along with other information, to a transceiver located remotely, but generally nearby. The transceiver, which will preferably be integrated into a pay-type public telephone (but which can be integrated into virtually any telephone or other device having access to the PSTN), receives the transmitted information including the instruction code, and communicates this information to a predetermined

location over the PSTN. In this regard, the transceiver is configured with a controller or other appropriate component to place a call to a predetermined phone number. Once the connection is established, the instruction code may be communicated (as by modem) to the predetermined location. The predetermined location (which may be a central dispatch location) then decodes the instruction code to identify the function or instruction that corresponds to the code, and further initiates an appropriate response.

Discussion of Rejections

Fundamental Basis for Withdrawing Rejections

Before addressing the individual rejections set forth by the Office Action, Applicant will first note some fundamental differences between the claimed invention and the cited patents. In this regard, the Office Action has rejected independent claims 33, 46, 55, 72, and 73 as being anticipated by both U.S. Patent 5,343,493, to Karimullah, and U.S. Patent 4,825,457, to Lebowitz. Neither of these references, however, anticipate Applicant's invention as defined in the independent claims.

With regard to the Karimullah patent, the system disclosed therein is directed to a personal assistance system and method for use with a cellular communication system. First, Applicant notes a fundamental distinction between the extremely low-power RF transmitter disclosed in the present application, and recited in the various independent claims, from that of a cellular transmitter. As is known, cellular transmitters typically transmit several miles. In contrast, the extremely low-power transmitter of the present invention transmits much shorter distances. Indeed, and as is specifically disclosed in the specification (e.g., page 12, lines 6-15), the low-power transmitter of the present invention operates at such a low power that a user would have to

be in close proximity (e.g., several feet) to the received in order to use the transmitter (specification, page 12, lines 8-9). The “extremely low-power” limitation is embodied in various independent claims of the present application, and cannot be ignored by the Patent Office. In addition, the Patent Office cannot assign its own definition to extremely low-power, which is repugnant to the clear teachings of the present specification. Accordingly, the cellular transmissions of the Karimullah patent cannot be equated to the extremely low-power RF transmissions of the present invention. For at least this reason, the Karimullah patent does not anticipate the presently-pending claims. Other fundamental distinctions exist between the various embodiments of the present invention and the Karimullah patent, and these other various distinctions will be discussed in connection with the specific claim rejections below.

With regard to the Lebowitz patent, like the Karimullah patent, the Lebowitz patent is directed to a cellular network data transmission system. As with the Karimullah patent, the cellular network disclosed in Lebowitz does not anticipate the extremely low-power RF transmitters of the presently-claimed invention. Accordingly, the Lebowitz patent does not anticipate the presently-pending claims.

Each claim or claim grouping will now be addressed individually.

Independent Claim 33

The Office Action rejected claim 33 under 35 U.S.C. §102(b) as being anticipated by U.S. Patent 5,343,493, to Karimullah. The Office Action also rejected claim 33 under 35 U.S.C. §102(b) as being anticipated by U.S. Patent 4,825,457, to Lebowitz. For the reasons set forth below, Applicant respectfully traverses this rejection.

Independent claim 33 recites:

33. A system for communicating information to a predetermined location, the system comprising:
an extremely low-power transmitter configured to wirelessly transmit an extremely low-power signal comprising the information;
a transceiver, located remote from, but *in close proximity* to the transmitter, the transceiver comprising:
a line interface circuit configured to interface with a telephone line, wherein the telephone line is part of the public service telephone network (PTSN); and
a controller configured to receive the signal and communicate the information over the telephone line; and
a central location, located remotely from the transceiver, configured to communicate with the transceiver via the telephone line and receive the information.

(*Emphasis added.*) Applicant respectfully submits that claim 33 patently defines over the cited art for at least the reason that the cited prior art fails to disclose or otherwise teach the features emphasized above.

The Office Action rejected claim 33 as being anticipated by Karimullah. In forming this rejection, the Office Action stated that the transmitter 20 of Karimullah anticipated the “extremely low-power” transmitter of claim 33. Applicant respectfully traverses this rejection. As summarized above, the specification of the present application makes clear that the “extremely low-power” limitation of the transmitter of the present application is such that the transmitting distance of the transmitter is on the order of several feet (see specification, page 12, lines 8-9). The Office Action may not properly disregard this limitation or teaching of the specification. Specifically, the claim language “extremely low-power” must be considered, and must be interpreted consistent with the teachings of the specification.

While Applicant recognizes that limitations of the specification are not read into the claims, the specification must be considered when construing limitations that are present within the claims. In this regard, the limitation “extremely low-power” is clearly embodied in claim 33.

The Applicant realizes that, if the specification were silent as to this term, the Office Action would have some liberty in giving a broader construction to this claim element. However, in the present situation, the specification is not silent as to the meaning of this term. Instead, the specification has clearly stated that the extremely low-power transmitter of the present application refers to a transmitter that is configured to transmit RF signals a relatively short distance (e.g., on the order of feet, as opposed to miles). The Office Action is certainly not at liberty to give a claim construction to this term that is repugnant to the teachings of the specification. In applying the cellular transmitter of the Karimullah patent to the transmitter of claim 33, this is precisely what the Office Action has done.

Furthermore, claim 33 has defined "a transceiver, located... in close proximity to the transmitter." Again, with reference to the specification, the term "in close proximity" must be construed to be in the order of several feet. The term "several" as defined by Webster's Dictionary is "more than two but fewer than many." Common usage of "several" and "feet" include "several feet", and "several hundred feet", and "several thousand feet." Using the two proceeding facts, the term "several feet" would have a range from 3 to 200 feet as defined and commonly used. This range corresponds with the typical range of a transmitter of the present invention, such as an automobile alarm transmitter as described on page 10, lines 16-17 of the specification. The Karimullah patent is completely devoid of any such proximity disclosure with respect to the grid receiver module 80 and the cellular transmitter 20. For at least this reason, claim 33 patently defines over the Karimullah patent.

As a separate and independent basis for the patentability of claim 33 over the Karimullah patent, claim 33 defines "a line interface circuit configured to interface with a telephone line." Claim 33 further defines "a controller configured to receive the signal and communicate the

information over the telephone line.” The Office Action has not even alleged these teachings to be present within the Karimullah patent. In this regard, paragraph 2 of the Office Action is wholly devoid of any reference to such a teaching anywhere within the Karimullah patent. Not only do these elements further define claim 33 over the cited Karimullah patent, but the lack of any reference to these features within the Office Action is a failure on the part of the Office Action to establish a prima facie rejection. Accordingly, if an ensuing Office Action is issued that provides a different rejection based upon the Karimullah patent, or any other patent for that matter, any such ensuing Office Action must be made non-final. For at least this additional reason, claim 33 patently defines over the Karimullah patent and the rejection based upon the Karimullah patent should be withdrawn.

The Office Action also rejected claim 33 based upon the Lebowitz patent. In forming this rejection, the Office Action states that the sensors 11, 12, 16, 26, and 65 and transceiver 33 in FIG. 1 of Lebowitz anticipated the transmitter and transceiver of claim 33. Applicant respectfully traverses this rejection. Claim 33 specifically cites “a extremely low-power transmitter configured to wirelessly transmit an extremely low-power signal.” Burglar alarm 11, fire detector 12, and digital communicator 16 transmit signals by conductors (wires) 13, 14, and 23, respectively, as disclosed by Lebowitz. Wireless RF transmitter 65 transmits a signal to wireless RF receiver 63, not to cellular site computer 33, which is then transmitted to digital communicator 16 via conductor 15. Cellular transceiver 26 is similar to the cellular transmitter 20 of Karimullah and, therefore, is not an extremely low power transmitter as discussed previously. Lebowitz does not disclose the transmitter as defined in claim 33. Accordingly, the rejection is deficient in this area. For at least this reason, claim 33 patently defines over the Lebowitz patent.

Furthermore, claim 33 has defined “a transceiver, located... in close proximity to the transmitter” and comprising “a controller configured to receive the signal.” Again, with reference to the specification, the term “in close proximity” must be construed to be in the order of several feet. The Lebowitz patent is completely devoid of any such proximity disclosure with respect to the cellular site computer 33 and any of the following: burglar alarm 11, fire detector 12, digital communicator 16, cellular transceiver 26, or RF transmitter 63. In addition, cellular site computer 33 is not configured to receive the signal from the burglar alarm 11, the fire detector 12, digital communicator 16, or RF transmitter 63. Cellular site computer is configured to receive the signal from cellular transceiver 26, but this cellular signal is not an extremely low power signal as discussed previously. Lebowitz does not disclose the transceiver as defined in claim 33. Accordingly, the rejection is deficient in this area. For at least this additional reason, claim 33 patently defines over the Lebowitz patent.

For at least the foregoing reasons, the rejections of independent claim 33 should be withdrawn, and this claim allowed.

Dependent Claims 34- 45

Dependent claims 34-45 each depend from independent claim 33, and therefore patently define over the cited art for at least the reasons set out above in connection with claim 33.

As a separate and independent basis for the patentability of claims 34-45, the Office Action failed to articulate an legally-satisfactory motivation to combine the Lebowitz and Burnett patents. In this regard, Applicant refers to the recent Federal Circuit decision of *In re Sang-Su Lee*, 277 F.3d 1338, 61 U.S.P.Q.2d 1430 (Fed. Cir. 2002). As clearly articulated in this opinion, general conclusions of obviousness will not be upheld, without clear evidentiary facts to support

them. In this regard, Office Action rejections “cannot rely on conclusory statements when dealing with particular combinations of prior art and specific claims, but must set forth the rationale on which it relies.” The Sang-Su Lee opinion further states that Office Actions “must make findings of facts, and present [their] reasoning in sufficient detail that [a] court may conduct meaningful review of the agency action.”

It is well-settled law that in order to properly support an obviousness rejection under 35 U.S.C. § 103, there must have been some teaching in the prior art to suggest to one skilled in the art that the claimed invention would have been obvious. W. L. Gore & Associates, Inc. v. Garlock Thomas, Inc., 721 F.2d 1540, 1551 (Fed. Cir. 1983). More significantly,

“The consistent criteria for determination of obviousness is whether the prior art would have suggested to one of ordinary skill in the art that this [invention] should be carried out and would have a reasonable likelihood of success, viewed in light of the prior art. ...” Both the suggestion and the expectation of success must be founded in the prior art, not in the applicant's disclosure... In determining whether such a suggestion can fairly be gleaned from the prior art, the full field of the invention must be considered; for the person of ordinary skill in the art is charged with knowledge of the entire body of technological literature, including that which might lead away from the claimed invention.”

(*Emphasis added.*) In re Dow Chemical Company, 837 F.2d 469, 473 (Fed. Cir. 1988).

In this regard, Applicant notes that there must not only be a suggestion to combine the functional or operational aspects of the combined references, but that the Federal Circuit also requires the prior art to suggest both the combination of elements and the structure resulting from the combination. Stiftung v. Renishaw PLC, 945 Fed.2d 1173 (Fed. Cir. 1991). Therefore, in order to sustain an obviousness rejection based upon a combination of any two or more prior art references, the prior art must properly suggest the desirability of combining the particular elements to create a system and method for communicating information to a predetermined location as claimed by the Applicant.

"Particular findings must be made as to the reason the skilled artisan, with no knowledge of the claimed invention, would have selected these components for combination in the manner claimed." In re Kotzab, 217 F.3d 1365, 1371, 55 USPQ2d 1313, 1317 (Fed. Cir. 2000). "Even when the level of skill in the art is high, the [Office Action] must identify specifically the principle, known to one of ordinary skill, that suggests the claimed combination. In other words, the [Office Action] must explain the reasons one of ordinary skill in the art would have been motivated to select the references and to combine them to render the claimed invention obvious." In re Rouffet, 149 F.3d 1350, 1359, 47 USPQ2d 1453, 1459 (Fed. Cir. 1998).

"A showing of a suggestion, teaching, or motivation to combine the prior art references is an 'essential component of an obviousness holding.'" Brown & Williamson Tobacco Corp. v. Philip Morris Inc., 229 F.3d 1120, 1124-25, 56 USPQ2d 1456, 1459 (Fed.Cir.2000)) (quoting C.R. Bard, Inc., v. M3 Systems, Inc., 157 F.3d 1340, 1352, 48 USPQ2d 1225, 1232 (Fed.Cir.1998)); The Federal Circuit has made it clear "that the best defense against the subtle but powerful attraction of a hindsight-based obviousness analysis is rigorous application of the requirement for a showing of the teaching or motivation to combine prior art references."); In re Dembiczak, 175 F.3d 994, 999, 50 USPQ2d 1614, 1617 (Fed.Cir.1999). Thus, there must be some motivation, suggestion, or teaching of the desirability of making the specific combination that was made by the applicant." In re Dance, 160 F.3d 1339, 1343, 48 USPQ2d 1635, 1637 (Fed.Cir.1998).

In the present application, the Office Action has clearly failed to satisfy this evidentiary standard, which the Federal Circuit, in In re Sang-Su Lee, held that the Administrative Procedures Act mandates. For example, in rejecting claims 34-45, the Office Action stated only:

... Therefore, it would have been obvious ... to incorporate the teaching of Burnett into that of Lebowitz thus making it possible to transmit an alarm signal via the internet to include pertinent information about the originating address.

This is the total of the argument and reasoning set forth by the Office Action in reaching the conclusion that one would have been led to combine the divergent teachings of Lebowitz and Burnett. Applicant respectfully submits that this falls far short of the legal requirement articulated by the Federal Circuit in In re Sung-Su Lee. For this reason alone, the rejections of the Office Action should be withdrawn. In addition, Applicant respectfully submits that, even combined, Lebowitz and Burnett fail to disclose all the elements of Applicants claims.

Moreover, the Office Action states that the combination would have been obvious “to ... make it possible to transmit ... via the *internet*...” However, most of Applicant’s claims are directed to the communication of information over a phone line of the PSTN, and NOT IP communications over the Internet. Clearly, the Office Action has misunderstood and misconstrued the claimed invention, and the rejections should be withdrawn.

For at least the foregoing reasons, the rejections of dependent claims 34-45 should be withdrawn, and these claims allowed.

Independent Claim 46

The Office Action rejected claim 46 under 35 U.S.C. §102(b) as being anticipated by U.S. Patent 5,343,493, to Karimullah. The Office Action also rejected claim 46 under 35 U.S.C. §102(b) as being anticipated by U.S. Patent 4,825,457, to Lebowitz. For the reasons set forth below, Applicant respectfully traverses this rejection.

Independent claim 46 recites:

46. A method for communicating information to a predetermined location, the method comprising:

wirelessly transmitting an information signal from an *extremely low-power transmitter* to a remote transceiver, *wherein the information signal is an extremely low-power signal*;

receiving the information signal by remote transceiver;

placing a telephone call from circuitry coupled to the transceiver to a central location via a phone line which comprises part of a public switched telephone network;

communicating at least a portion of the information signal from the transceiver to the central location; and

decoding at least a portion of the information signal by the central location.

(*Emphasis added.*) Applicant respectfully submits that claim 46 patently defines over the cited art for at least the reason that the cited prior art fails to disclose or otherwise teach the features emphasized above.

The method of independent claim 46 calls for the transmission from an “extremely low-power transmitter” of an information signal “wherein the information signal is an extremely low-power signal.” As discussed above in connection with independent claim 33, this extremely low-power signal from the extremely low-power transmitter does not equate to a cellular transmission, which is a much higher power signal transmission. Accordingly, neither the cellular communication system of Karimullah nor the cellular network data transmission system of Lebowitz can properly anticipate the method of independent claim 46. Rather than repeat the arguments that have already been set forth here and above, Applicant hereby repeat and re-alleges the argument set forth above in connection with independent claim 33, with respect to the “extremely low-power” claim limitation. For at least this reason, the rejection of independent claim 46 is misplaced and should be withdrawn.

In addition, independent claim 46 calls for “placing a telephone call from circuitry coupled to the transceiver to a central location via a phone line.” Simply stated, the Karimullah patent does not teach or disclose this element. Significantly, the Office Action has not even alleged that

this element is taught or disclosed within the Karimullah patent, as no reference to any teaching within this patent has been set forth in paragraphs 2 of the Office Action. For at least this additional reason, the rejection of claim 46 based upon the Karimullah patent should be withdrawn.

Further still, independent claim 46 calls for the “decoding at least a portion of the information signal by the central location.” Significantly, the Office Action has failed to point to any particular teaching or location within the either the Karimullah or Lebowitz patents that allegedly discloses or teaches this claim element. For at least this additional reason, the rejection of claim 46 should be withdrawn.

For at least the foregoing reasons, the rejections of independent claim 46 should be withdrawn, and this claim allowed.

Dependent Claims 47-54

Dependent claims 47-54 each depend from independent claim 46, and therefore patently define over the cited art for at least the reasons set out above in connection with claim 46.

As a separate and independent basis for the patentability of claims 47-54, the Office Action failed to articulate an legally-satisfactory motivation to combine the Lebowitz and Burnett patents. Rather than repeat the argument that has already been set forth here and above, Applicant hereby repeats and re-alleges the argument set forth above in connection with dependent claims 33-45, with respect to the motivation to combine the Lebowitz and Burnett patents.

For at least the foregoing reasons, the rejections of dependent claims 46-54 should be withdrawn, and these claims allowed.

Independent Claim 55

The Office Action rejected claim 55 under 35 U.S.C. §102(b) as being anticipated by U.S. Patent 5,343,493, to Karimullah. The Office Action also rejected claim 55 under 35 U.S.C. §102(b) as being anticipated by U.S. Patent 4,825,457, to Lebowitz. For the reasons set forth below, Applicant respectfully traverses this rejection.

Independent claim 55 recites:

55. A system for communicating information to a central location, the system comprising:

means for wirelessly transmitting an extremely low-power signal comprising the information;

means for receiving the extremely low-power signal, the means for receiving being remote but ***within close proximity to the wireless transmitting means***;

means for telephonically transmitting the information to the central location via a public service telephone network; and

means for receiving the information at the central location.

(*Emphasis added.*) Applicant respectfully submits that claim 55 patently defines over the cited art for at least the reason that the cited prior art fails to disclose or otherwise teach the features emphasized above.

First, Applicant notes that the emphasized elements are set forth in means plus function format. Pursuant to 35 U.S.C. § 112(6), a claim element recited in means-plus-function format “shall be construed to cover the corresponding structure, material, or acts described in the specification and equivalents thereof.” 35 U.S.C. § 112, ¶ 6. The Federal Circuit has clearly endorsed this statutory mandate by holding that claims interpreted under 35 U.S.C. § 112, paragraph 6, are limited to the corresponding structure disclosed in the specification and its equivalents. Kahn v. General Motors Corp. 135 F.3d 1472, 45 U.S.P.Q.2d 1608 (Fed. Cir. 1998).

There should be no question but that the elements emphasized in claim 55 are to be construed pursuant to 35 U.S.C. § 112, paragraph 6. In Greenberg v. Ethicon Endo-Surgical Inc., 91 F.3d 1580, 39 U.S.P.Q. 2d 1783 (Fed. Cir. 1996), the Federal Circuit stated that the use of “means for” language generally invokes 112(6). Indeed, only if means plus function claim elements recite sufficient structure to carry out the function are that taken out of the gambit of 35 U.S.C. § 112, paragraph 6. Cole v. Kimberly-Clark Corp., 102 F.3d 524, 41 U.S.P.Q.2d 1001 (Fed. Cir. 1996).

Indeed, the Federal Circuit reiterated in Sage Products, Inc. v. Devon Industries, Inc., 126 F.3d 1420, 44 U.S.P.Q.2d 1103 (Fed. Cir. 1998) that “the use of the word ‘means,’ which is part of the classic template for functional claim elements, gives rise to ‘a presumption that the inventor used the term advisedly to invoke the statutory mandates for means-plus-function clauses.” Ultimately, the Court in Sage construed the relevant claim elements under 35 U.S.C. § 112(6), because ‘means’ were recited, and the claim elements did not “explicitly recite[s] the structure, material, or acts needed to perform the [recited] functions. Sage at p. 1428. The Federal Circuit further acknowledged this presumption in Al-Site Corp. v. VSI International, Inc., 174 F.3d 1308, 50 U.S.P.Q.2d 1161 (Fed. Cir. 1999).

Thus, claim elements expressed in “means” plus function format are construed is determined in accordance with 35 U.S.C. § 112, paragraph 6, as set forth above, and as further described in In re Donaldson 16 F.3d 1189, 29 U.S.P.Q.2d 1845 (Fed. Cir. 1994)(*en banc*). Therefore, the various “means” elements must be construed in accordance with the structure set forth in the present specification. In this regard, Applicant notes that, in In re Donaldson, The Board of Patent Appeals and Interferences advanced the legal proposition that “limitations appearing in the specification are *not* to be read into the claims of an application.” In re Donaldson at 1848. This

argument, however, was rejected by the Federal Circuit, which held, as a matter of law, that “one construing means-plus-function language in a claim must look to the specification and interpret that language in light of the corresponding structure ... described therein, and equivalents thereof. In re Donaldson at 1848. Furthermore, the holding in In re Donaldson does not conflict with the principle that claims are to be given their broadest reasonable interpretation during prosecution. In re Donaldson at 1850.

The corresponding structure disclosed in the present specification that corresponds to the various means elements is distinct from that disclosed in the cited patents. For at least this additional reason, Applicant submits that the rejection of claim 55 should be withdrawn.

In addition to the foregoing reasons, independent claim 55 calls for “means for wirelessly transmitting an extremely low-power signal.” Since this means plus function claim element must be construed in accordance with the structure, material, and acts specifically disclosed in the present application, the disclosure of the present application clearly excludes a cellular system from anticipating this claim element. The fact that the Office Action has rejected claim 55 on an identical basis with claims 33 and 46 reflects a fundamental error of law, insofar as the Office Action has accorded means plus function claim elements an identical interpretation with non-means plus function claim elements. For at least this reason, the rejection of claim 55 should be withdrawn.

Furthermore, claim 55 calls for “means for telephonically transmitting the information to a central location.” This “means” includes line-interface circuitry that couples the transceiver with a telephone line. Simply stated, the Karimullah patent does not disclose such circuitry, and therefore claim 55 patentably defines over the Karimullah patent for at least this additional reason. For at least the foregoing reasons, the rejections of independent claim 55 should be withdrawn, and this claim allowed.

Dependent Claims 56- 65

Dependent claims 56-65 each depend from independent claim 55, and therefore patentably define over the cited art for at least the reasons set out above in connection with claim 55.

As a separate and independent basis for the patentability of claims 56-65, the Office Action failed to articulate an legally-satisfactory motivation to combine the Lebowitz and Burnett patents. Rather than repeat the argument that has already been set forth here and above, Applicant hereby repeats and re-alleges the argument set forth above in connection with dependent claims 33-45, with respect to the motivation to combine the Lebowitz and Burnett patents.

For at least the foregoing reasons, the rejections of dependent claims 56-65 should be withdrawn, and these claims allowed.

Independent Claim 66

The Office Action rejected claim 66 under 35 U.S.C. §103(a) as being unpatentably over Lebowitz, in view of U.S. Patent 6,067,030, to Burnett. For the reasons set forth below, Applicant respectfully traverses this rejection.

Independent claim 66 recites:

66. A transceiver that wirelessly communicates with an extremely low-power transmitter and telephonically communicates with a central location, the transceiver comprising:

a wireless receiver ***configured to wirelessly receive an extremely low-power signal, the extremely low-power signal being wirelessly transmitted in close proximity to the receiver, the extremely low-power signal comprising encoded information;***

a telephonic transmitter configured to transmit a formatted electric signal over a telephone line, the telephone line comprising part of the public switched telephone network (PTSN); and

a controller comprising:

*a first portion, connected to the wireless receiver, configured to obtain the information encoded in the received extremely low-power signal;
a second portion, connected to the telephonic transmitter, configured to deliver the obtained information to the transmitter.*

(*Emphasis added.*) Applicant respectfully submits that claim 66 patentably defines over the cited art for at least the reason that the cited prior art fails to disclose or otherwise teach the features emphasized above.

Independent claim 66 calls for a wireless receiver that is “configured to wirelessly receive an extremely low-power signal, the low-power signal being wirelessly transmitted in close proximity to the receiver, the low-power signal comprising encoded information.” Applicant hereby repeats and re-alleges the argument set forth above with regard to the inapplicability of cellular transmission systems with the low-power wireless transmitter of the present invention. For at least this reason, the rejection of claim 66 is misplaced, and should be withdrawn.

In addition, independent claim 66 calls for the low-power signal to comprise “encoded information.” The Office Action has not even alleged that such a teaching is disclosed in either Lebowitz or Burnett. Furthermore, independent claim 66 calls for a controller comprising “a first portion... configured to obtain the information encoded in the received low-power signal,” and “a second portion... configured to deliver the obtained information to the transmitter.” The Office Action has completely failed to identify any teachings within either Lebowitz or Burnett to teach, or allegedly teach, these defined portions of a controller. For at least these additional failings, the rejection of claim 66 should be withdrawn.

As a separate and independent basis for the patentability of claim 66, the Office Action failed to articulate an legally-satisfactory motivation to combine the Lebowitz and Burnett patents. Rather than repeat the argument that has already been set forth here and above, Applicant hereby

repeats and re-alleges the argument set forth above in connection with dependent claims 33-45, with respect to the motivation to combine the Lebowitz and Burnett patents.

For at least the foregoing reasons, the rejection of independent claim 66 should be withdrawn, and this claim allowed.

Dependent Claims 67-71

Dependent claims 67-71 each depend from independent claim 66, and therefore patently define over the cited art for at least the reasons set out above in connection with claim 66.

Independent Claim 72

The Office Action rejected claim 72 under 35 U.S.C. §102(b) as being anticipated by U.S. Patent 5,343,493, to Karimullah. The Office Action also rejected claim 72 under 35 U.S.C. §102(b) as being anticipated by U.S. Patent 4,825,457, to Lebowitz. For the reasons set forth below, Applicant respectfully traverses this rejection.

Independent claim 72 recites:

72. A method for relaying an electronic message from an extremely low-power transmitter to a central location, the method comprising:
wirelessly transmitting an information signal from the transmitter to a remotely located transceiver, ***the information signal comprising a unique message code, wherein the transmitter is in close proximity to the transceiver;***
receiving the information by the remotely located transceiver;
placing a telephone call from the transceiver to the central location, ***the central location being identified by a phone number contained within the information signal,*** over a phone line comprising part of a PTSN; and
communicating the unique message code from the transceiver to the central location.

(*Emphasis added.*) Applicant respectfully submits that claim 72 patently defines over the cited art for at least the reason that the cited prior art fails to disclose or otherwise teach the features emphasized above.

Claim 72 calls for the transmitter to be “close proximity to the transceiver.” For the reasons discussed above, which are repeated and re-alleged herein, the cellular transmission systems of both the Karimullah patent and the Lebowitz patent fail to teach, disclose, or otherwise suggest this claim limitation, and therefore the rejection of claim 72 should be withdrawn. Indeed, the Office Action does not even alleged that this particular teaching is disclosed anywhere within the cited patents. Accordingly, the Office Action is legally deficient in this area and the rejections of claim 72 should be withdrawn.

In addition, claim 72 calls for an information signal having “a unique message code.” As taught within the specification of the present application, the message code is a relatively compact encoded portion of information, which may be decoded at a central location to define an action or status that is being conveyed through the message code. No such equivalent or corresponding teaching is even alleged to be found in either the Lebowitz or Karimullah patents. For at least this additional reason, the rejection set forth by the Office Action is deficient and should be withdrawn.

Further still, independent claim 72 calls for “the central location being identified by a phone number contained within the information signal.” Again, the Office Action completely fails to make any reference or cite to any teaching within the Karimullah patent or the Lebowitz patent, which allegedly disclose this element. For at least this additional reason, the Office Action rejection is deficient and should be withdrawn.

For at least the foregoing reasons, independent claim 72 patently defines over both the Karimullah and Lebowitz patents.

Independent Claim 73

The Office Action rejected claim 73 under 35 U.S.C. §102(b) as being anticipated by U.S. Patent 5,343,493, to Karimullah. The Office Action also rejected claim 73 under 35 U.S.C. §102(b) as being anticipated by U.S. Patent 4,825,457, to Lebowitz. For the reasons set forth below, Applicant respectfully traverses this rejection.

Independent claim 73 recites:

73. A transceiver comprising:
means for receiving an extremely low-power electromagnetic signal, the electromagnetic signal including an encoded message code;
means for transmitting a formatted electric signal over a phone line
comprising part of the public switched telephone network (PSTN); and
means for obtaining the message code from the electric signal and delivering the obtained code to the means for transmitting over the phone line to a predetermined destination.

(*Emphasis added.*) Applicant respectfully submits that claim 73 patently defines over the cited art for at least the reason that the cited prior art fails to disclose or otherwise teach the features emphasized above.

As set forth above in connection with claim 55, the various emphasized elements of claim 73 are set forth in means-plus-function format. Accordingly, each of these elements must be construed in accordance with the structure, material, and acts disclosed in the present specification. The Office Action has failed to so construe these elements. In fact, the Office Action has construed the elements of claim 73 to be co-extensive with the claim elements of the other independent claims 33, 46, 55, and 72, insofar as the Office Action has set forth a summary rejection that is identical for each of these claims. This rejection reflects a fundamental error of

law on the part of the Office Action. For at least this reason, the rejection of claim 73 is improper and should be withdrawn.

As a separate and independent basis for the patentability of claim 73, Applicant respectfully submits that the various elements emphasized above are completely missing from the cited Karimullah and Lebowitz patents. For example, claim 73 calls for "means for receiving an extremely low-power electromagnetic signal, the electromagnetic signal including an encoded message code." As discussed above, the cellular transmission systems of Lebowitz and Karimullah do not equate to, and therefore do not anticipate, the extremely low-power transmissions of the present invention. For at least this reason, the rejection of claim 73 is misplaced. In addition, claim 73 calls for the electromagnetic signal to include an "encoded message code." The Office Action has completely failed to even allege that such a message code is contained within either the Lebowitz or Karimullah patents. For at least this additional reason, the rejection of claim 73 is misplaced and should be withdrawn.

In addition, claim 73 calls for "means for transmitting a formatted electric signal over a phone line." This element includes a line interface circuit that couples the transceiver of the present application to a telephone line of the PSTN, such that information received at the transceiver may be coupled to and placed on the PSTN. No such equivalent or corresponding teaching has been cited by the Office Action in the Karimullah patent. For at least this additional reason, the rejection of claim 73 based upon the Karimullah patent is misplaced and should be withdrawn.

Furthermore, claim 73 calls for "means for obtaining the message code from the electric signal and delivering the obtained code to the means for transmitting over the phone line to a predetermined destination." Again, the Office Action has completely failed to identify the

teaching within the Karimullah or Lebowitz patents that disclose this claim element. For at least this additional reason, the rejection is misplaced, legally deficient, and should be withdrawn.

CONCLUSION

Applicants respectfully submit that all claims are now in proper condition for allowance, and respectfully request that the Examiner pass this case to issuance. If, in the opinion of the Examiner, a telephonic conference would expedite the examination of this matter, the Examiner is invited to call the undersigned attorney at (770) 933-9500.

No additional fee is believed to be due in connection with this response. If, however, any additional fees are required, you are hereby authorized to charge any and all such fees to Deposit Account No. 20-0778.

Respectfully submitted,

A handwritten signature in dark ink, appearing to read "Daniel R. McClure", is written over a horizontal line.

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Annotated Version of the Amended Claims

Technology Center 2600

Claims of the present application have been amended as follows (where underlining denotes additions and brackets denote deletions):

33. (Twice Amended) A system for communicating information to a predetermined location, the system comprising:

[a] an extremely low-power transmitter configured to wirelessly transmit [a] an extremely low-power signal comprising the information;

a transceiver, located remote from, but in close proximity to the transmitter, the transceiver comprising:

a line interface circuit configured to interface with a telephone line,

wherein the telephone line is part of the public service telephone network (PTSN); and

a controller configured to receive the signal and communicate the information over the telephone line; and

a central location, located remotely from the transceiver, configured to communicate with the transceiver via the telephone line and receive the information.

46. (Twice Amended) A method for communicating information to a predetermined location, the method comprising:

wirelessly transmitting an information signal from [a] an extremely low-power transmitter to a remote transceiver, wherein the information signal is [a] an extremely low-power signal;

receiving the information signal by remote transceiver;

placing a telephone call from circuitry coupled to the transceiver to a central location via a phone line which comprises part of a public switched telephone network; communicating at least a portion of the information signal from the transceiver to the central location; and decoding at least a portion of the information signal by the central location.

55. (Twice Amended) A system for communicating information to a central location, the system comprising:

means for wirelessly transmitting [a] an extremely low-power signal comprising the information;

means for receiving the extremely low-power signal, the means for receiving being remote but within close proximity to the wireless transmitting means;

means for telephonically transmitting the information to the central location via a public service telephone network; and

means for receiving the information at the central location.

66. (Twice Amended) A transceiver that wirelessly communicates with [a] an extremely low-power transmitter and telephonically communicates with a central location, the transceiver comprising:

a wireless receiver configured to wirelessly receive [a] an extremely low-power signal, the extremely low-power signal being wirelessly transmitted in close proximity to the receiver, the extremely low-power signal comprising encoded information;

a telephonic transmitter configured to transmit a formatted electric signal over a telephone line, the telephone line comprising part of the public switched telephone network (PTSN); and

a controller comprising:

a first portion, connected to the wireless receiver, configured to obtain the information encoded in the received extremely low-power signal;

a second portion, connected to the telephonic transmitter, configured to deliver the obtained information to the transmitter.

72. (Twice Amended) A method for relaying an electronic message from [a] an extremely low-power transmitter to a central location, the method comprising:

wirelessly transmitting an information signal from the transmitter to a remotely located transceiver, the information signal comprising a unique message code, wherein the transmitter is in close proximity to the transceiver;

receiving the information by the remotely located transceiver;

placing a telephone call from the transceiver to the central location, the central location being identified by a phone number contained within the information signal, over a phone line comprising part of a PTSN; and

communicating the unique message code from the transceiver to the central location.

73. (Twice Amended) A transceiver comprising:

means for receiving [a] an extremely low-power electromagnetic signal, the electromagnetic signal including an encoded message code;

means for transmitting a formatted electric signal over a phone line comprising part of the public switched telephone network (PSTN); and

means for obtaining the message code from the electric signal and delivering the obtained code to the means for transmitting over the phone line to a predetermined destination.